

~~1. Under~~
2. File
(9)

Fred Rubel

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 Federal Plaza
New York, New York 10278

RECEIVED

AUG 14 1984

Emergency Response
and Inspection Branch
Edison, N. J.

In the Matter of :

LANCIA OIL CO., INC. : Docket No.: OH-II-81-11
Hackensack, New Jersey :

Respondent. : CONSENT AGREEMENT
AND ORDER

Proceeding Under the Oil Pollu-:
tion Prevention Regulations :
Issued Pursuant to §311(j) of :
the Clean Water Act, 33 U.S.C. :
§311(j) :

PRELIMINARY STATEMENT

On August 4, 1981, the United States Environmental Protection Agency ("EPA", hereinafter referred to as "Complainant") issued a Notice of Violation pursuant to §311(j) of the Clean Water Act, 33 U.S.C. §1321(j) against LANCIA OIL CO., INC. (hereinafter, "Respondent") for its facility located at Hackensack, New Jersey. The Notice of Violation charged Respondent with specific violations of Oil Pollution Prevention Regulations promulgated at 40 C.F.R Part 112. The conditions consented to through this Consent Agreement and Order follow Respondent's submittal to EPA of a Spill Prevention Control and Countermeasure (SPCC) Plan meeting at least the minimum requirements of 40 C.F.R. §112.7.

CONSENT AGREEMENT

Based upon the foregoing, and pursuant to §311(j) of the Act, 33 U.S.C. §1321(j), and 40 C.F.R. §114.3, it is hereby agreed that with respect to the above-referenced facility, Respondent shall comply hereinafter with all requirements of relevant regulations at 40 C.F.R. Part 112 and additionally with the following requirements:

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(1) Not later than October 29, 1984, Respondent shall submit to the person named in paragraph 2, below, a copy of a recertification, by a professional engineer, of its SPCC Plan, as required pursuant to 40 C.F.R. §112/5(b), said recertification to comprise Respondents triennial Plan review as required by that subsection.

(2) Not later than 30 (THIRTY) days from the date of this Consent Agreement and Order, Respondent shall submit to EPA a notarized affidavit, the form of which shall be supplied by EPA, signed by a corporate officer of Respondent of at least the rank of vice-president, stating that the SPCC Plan for the subject facility has been implemented in accordance with the requirements of said Plan. The affidavit shall be submitted to Mr. Henry Gluckstern, Attorney, Waste and Toxic Substances Branch, Office of Regional Counsel, U.S. EPA Region II, 26 Federal Plaza, Room 437, New York, New York 10278.

(3) Respondent shall pay a civil penalty in the amount of \$2,500 (TWO THOUSAND FIVE HUNDRED DOLLARS) by certified or cashier's check payable to the order of "UNITED STATES COAST GUARD." The amount of civil penalty shall represent the final assessment of the civil penalty proposed to be assessed by the Notice of Violation by which this proceeding was commenced. Such payment of civil penalty shall be remitted to the person designated in paragraph (2), supra, at the address indicated therein, and received no later than 30 (THIRTY) calendar days from the date of of this Consent Agreement and Order.

This Consent Agreement and Order is in full settlement of all claims which might have been asserted pursuant to the Notice of Violation dated August 4, 1981 and 40 C.F.R. Part 112. Respondent admits the jurisdictional allegations of the Notice of Violation and admits the factual allegations set forth therein. Respondent consents to the assessment of the civil penalty set forth herein and waives any right it may have to a hearing on the Notice of Violation.

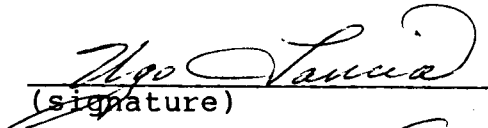
This Consent Agreement and Order and the terms of settlement embodied herein shall be deemed automatically withdrawn and no longer binding upon EPA unless it is signed and consented to by Respondent within 30 (THIRTY) calendar days of the date of this agreement, as indicated below.

Date of Agreement: JUN 29 1984

FOR THE RESPONDENT:

Dated this _____ day of _____, 1984

By:

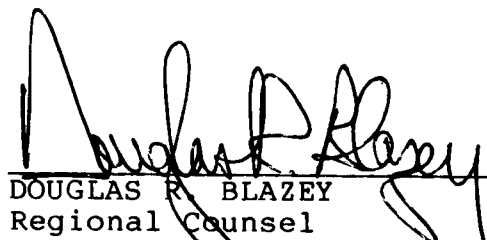

(signature)
LANCIA Oil Co
UGO LANCIA
(print name)

PRES
Title:

FOR THE COMPLAINANT:

Dated this 29th day of June, 1984

By:

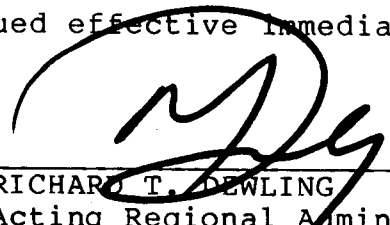

DOUGLAS R. BLAZEY
Regional Counsel
United States Environmental
Protection Agency
Region II
Attorney for Complainant

ORDER

The Regional Administrator of EPA, Region II, concurs in the provisions of the above Consent Agreement. The Consent Agreement is hereby approved and issued effective immediately.

Dated this 1 day of August, 1984

By:


RICHARD T. DEWLING
Acting Regional Administrator
United States Environmental
Protection Agency
Region II